

Nathan D. Thomas (USB#11965)  
Timothy B. Smith (USB# 8271)  
Elizabeth Butler (USB#13658)  
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*Attorneys for Plaintiff*

**IN THE FIRST JUDICIAL DISTRICT COURT**  
**IN AND FOR CACHE COUNTY, STATE OF UTAH**

<p>L.G. ENTERPRISES, LLC d/b/a LG-Outdoors, Wholesale Hunter, and Omega Outfitters,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>BOB GEIGER, individually and as an agent of Aquamira Technologies, Inc.; AQUAMIRA TECHNOLOGIES, INC.; WILLIAM TYLER METCALF, individually and as an agent of Channel Op., LLC; CHANNEL OP. LLC, and DOES 1-10,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>VERIFIED COMPLAINT and DEMAND FOR TRIAL BY JURY</b></p> <p style="text-align: center;"><b>(TIER II)</b></p> <p>Case No.</p> <p>Judge</p>
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Plaintiff LG Enterprises, LLC d/b/a LG-Outdoors, Wholesale Hunter, and Omega Hunter (“**Plaintiff**”) by and through its counsel hereby complains and alleges against the Defendants Bob Geiger, Aquamira Technologies, Inc., William Tyler Metcalf, Channel Op., LLC, and Does 1-10, as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff is an Alabama limited liability company, with its principal place of business in Elmore County, Alabama.

2. Defendant Aquamira Technologies, LLC (“Aquamira”) is a Washington corporation, with its principal place of business in Logan, Utah. Aquamira is in the business of producing and selling water filtration and hydration systems.

3. Defendant Bob Geiger (“Geiger”) is an individual residing in Ogden, Utah. Geiger is a Vice President for Aquamira and is responsible for sales management of certain Aquamira productions.

4. Defendant Channel Op., LLC (“Channel”) is a Utah corporation, with its principal place of business in Heber, Utah. Channel is a consulting firm for brand owners and manufacturers offering brand protection services.

5. William Tyler Metcalf (“Metcalf”) is an individual residing in Heber, Utah. Metcalf is the Chief Executive Officer for Channel.

6. Defendants Does 1-10 (“DOES”) are those individuals and/or entities who have committed wrongs against the Plaintiff consistent with the allegations herein, who are unknown at this time but who will be added by amendment when ascertained.

7. Jurisdiction is proper before this Court pursuant to Utah Code Ann. §78B-3-205(1).

8. Venue is proper in this District pursuant to Utah Code Ann. §§ 78B-3-307(1)(b) and 78B-3-307(2).

9. This matter is designated as Tier II for purposes of discovery under Utah Rule of Civil Procedure 26 on that grounds that Plaintiff seeks, among damages to be determine at trial, declaratory relief.

### **GENERAL ALLEGATIONS**

#### **A. Business of the Parties.**

10. Plaintiff is in the business of, among other things, online resales. In particular, Plaintiff purchases product from authorized distributors and wholesalers, among others, and in turn sells those products, as is, on Amazon.com (“Amazon”). Plaintiff does not alter, amend, or modify the products or their packaging in any way.

11. Aquamira manufactures and sells water filtration and hydration systems.

12. Channel offers brand protection services, by, upon information and belief, discouraging online resellers, like Plaintiff, from selling product that the brand owner desired to be sold only through its distributors or wholesalers.

13. Among the product Plaintiff resells is Aquamira product. Plaintiff purchases Aquamira product from authorized United States Aquamira distributors and wholesalers and in turn sells those products, as is, on Amazon. Plaintiff does not alter, amend, or modify the Aquamira product or its packaging in any way. There is no material difference between the Aquamira product Plaintiff sells and the product sold directly by Aquamira.

#### **B. Online Resellers and MAP**

14. In the past few years, brand owners and/or manufacturers have increasingly sought to prevent their products from being resold for less than the “minimum advertised price” (the “MAP”).

15. By way of background, a MAP policy is one in which a supplier or manufacturer limits the ability of their distributors to advertise prices below a certain level. A MAP policy does not stop a retailer from actually selling below any minimum price. Rather, the limitation is solely on advertising and is intended to protect manufacturers and brand owners from having their product devalued by low advertised prices.

16. Toward that end, brand owners and manufacturers are now placing MAP policies in their distribution agreements.

17. MAP is not a legal requirement, however, and requires privity of contract to be enforced. Stated otherwise, MAP provisions apply only to individuals and/or entities that enter distribution agreements, or other contracts with such MAP provisions, with brand owners and/or manufacturers.

18. Business entities, such as resellers like Plaintiff, are not in privity with brand owners and/or manufacturers.

19. As a result, absent their execution of a contract to the contrary, online resellers, like Plaintiff, have no legal obligations to adhere to MAP.

20. In an effort to target these resellers with no obligation to adhere to MAP, brand owners and/or manufacturers are now employing consulting groups to discourage online resellers from selling products that the brand owners and/or manufacturers desire to sell solely through wholesalers and authorized distributors.

**C. The Wrongful Conduct of the Defendants**

21. From September 2, 2016, to October 19, 2017, Aquamira and Geiger sent sixteen (16) letters via email to the Plaintiff, demanding that Plaintiff stop reselling Aquamira products

on Amazon. In these letters, sent from Aquamira's legal department in Logan, Utah, Aquamira and Geiger failed to articulate any verifiable legal basis for these demands.

22. Upon information and belief, on or about November 22, 2017, Geiger, as Vice President of Aquamira, and Metcalf, the CEO of Channel, met at Channel's Heber City, Utah headquarters, to discuss a solution to prevent so-called "unauthorized resellers" who are not in privity of contract with Aquamira, from reselling Aquamira product on Amazon.

23. Upon information and belief, Defendants' objective at this November 22, 2017 meeting was to place Aquamira as the sole seller of its product on Amazon. Upon information and belief, Defendants intended to accomplish this objective through the defamation of so-called "unauthorized resellers" to Amazon by way of false claims that these "unauthorized resellers" violated Aquamira's intellectual property rights. Defendants created the email address [aquamira@channel-op.com](mailto:aquamira@channel-op.com), from which email address Defendants Geiger and Aquamira could send false claims to Amazon.

24. In addition, on or about November 22, 2017, Plaintiff received notice from Amazon that Defendants had filed a complaint with Amazon against Plaintiff for allegedly selling counterfeit Aquamira product in purported violation of Aquamira's intellectual property rights. This November 22, 2017 notice listed the point of contact for the complainant as [aquamira@channel-op.com](mailto:aquamira@channel-op.com).

25. Again, on or about January 10, 2018, Amazon notified Plaintiff that Aquamira and/or Geiger had filed a written complaint through Channel and Metcalf. The Defendants' complaint alleged that Plaintiff was selling product that infringed on Aquamira's patent.

Amazon's noticed stated that if Amazon received more complaint, it would disallow Plaintiff from continuing to do business on Amazon.

26. Later on January 10, 2018, Plaintiff spoke via telephone with Geiger about the Defendants' complaint to Amazon and the false allegations of patent infringement. During that telephone call, Geiger acknowledged that the claim of patent infringement was incorrect, but indicated that Amazon limited his claim options. Likewise, during that phone call, Geiger indicated that Defendants' objection was to make Aquamira and its authorized distributors the sole retailers of Aquamira product on Amazon. In his words, Aquamira was trying to "clean up" Amazon.

27. Shortly thereafter, on January 17, 2018, Defendants again made a complaint to Amazon alleging that Plaintiff was selling counterfeit Aquamira product on Amazon.

28. Up until as recently as March 26, 2018, Defendants have continued to make complaints to Amazon about Plaintiff, which include other alleged intellectual property rights violations such as patent and trademark infringement. These allegations of intellectual property rights violations lack any basis in fact or law. Plaintiff has not sold, at any time, any infringing product.

29. Defendants conduct has materially injured and impaired Plaintiff's business including, but not limited to, the following:

- a. Upon information and belief, Defendants' conduct caused Amazon to treat Plaintiff as a non-preferred seller or, at a minimum, to avoid treating it as a spotlighted seller during those time false complaints had been made reducing, substantially, the number of transactions entered into by consumers with LG;

- b. Defendants' conduct has caused Plaintiff to expend substantial time at a substantial cost to repair its relationship with Amazon and assure that its products would be available for sale;
- c. Defendants' conduct caused Plaintiff to pay wages to employees to spend time addressing the false complaints made to Amazon;
- d. Defendants' conduct resulted in lost business opportunities for Plaintiff that could have resulted in substantial profits but for the fact that Plaintiff was forced to spend time, effort, and money addressing the false complaints filed with Amazon;

**FIRST CAUSE OF ACTION**

**(Intentional Interference with Economic Relations)**

30. Plaintiff incorporates by reference and realleges each of the foregoing allegations as if fully set forth herein.

31. Defendants knew of the existence of the economic relations between Plaintiff and Amazon, including that Plaintiff is an online reseller on Amazon doing \$6 Million in business each year.

32. Defendants, and each of them, interfered with the economic relations between Plaintiff and Amazon by use of improper means, namely, the disparagement and defamation of Plaintiff through false claims of patent infringement and other intellectual property rights violations as a means to encourage Amazon to cease doing business with Plaintiff.

33. In particular, Defendants, through complaints by Aquamira and Geiger, sent through Channel and Metcalf, to Amazon, falsely claimed that Plaintiff's sales activities infringed upon Aquamira and/or Geiger's patent and/or that Plaintiff was engaged in selling

counterfeit Aquamira products. Defendants made these false claims with the intent to disrupt Plaintiff's relationship with Amazon, and which, in fact, did disrupt that relationship.

34. Defendants knew or should have known that their actions constituting such interference would interfere with Plaintiff's economic relations with Amazon. Further, Defendants intended to impair or destroy Plaintiff's business relationship with Amazon in an effort to halt Plaintiff from selling Aquamira product on Amazon.

35. Defendants' interference is not protected by any privilege.

36. As a direct and proximate result of Defendants' interference, Plaintiff has been harmed and continues to be harmed in an amount to be proven at trial. Among other things, due to Defendants' interference, Plaintiff suffered the loss or impairment of its business relationship with Amazon which resulted in Plaintiff's loss of the expectancy of economic gain.

37. Upon information and belief, Defendants' interference with Plaintiff's economic relations is willful, malicious, intentionally fraudulent, and/or knowingly and recklessly indifferent toward and in disregard of the rights of others and the consequences thereof.

38. As a result, Plaintiff is entitled to recover punitive and exemplary damages from and against Defendants, in an amount a fact-finder deems reasonable, to deter Defendants from such wrongful conduct in the future.

39. Unless enjoined by the Court, Defendants will continue to intentionally interfere with Plaintiff's existing or potential economic relations, and Plaintiff will suffer significant and irreparable harm.



40. To the extent that Plaintiff's legal remedies cannot adequately address the injury Plaintiff has suffered and will continue to suffer as a result of Defendants' interference, injunctive relief is needed to prevent further injury to Plaintiff.

## **SECOND CAUSE OF ACTION**

### **(Defamation)**

41. Plaintiff incorporates by reference and realleges each of the foregoing allegations as if fully set forth herein.

42. Defendants have made statements through email to Amazon and, upon information and belief, other third parties, that Plaintiff has engaged in patent infringement, trademark infringement, and the sale of counterfeit goods.

43. These statements are false.

44. Defendants made these statements knowing they were false, or with at least a reckless disregard as to the truth of these statements.

45. Defendants made these statements with the intent to injure Plaintiff or impeach its honesty, integrity, and reputation, and thereby to expose it to public hatred.

46. Defendants made these statements without any privilege or legal justification.

47. Plaintiff has been harmed as a result of these statements, including but not limited to harm to its business reputation and reduction or total loss of business with customers and clients. Plaintiff is therefore entitled to recover damages in an amount to be proven at trial.

48. Furthermore, upon information and belief, Defendants' defamation of Plaintiff was willful, malicious, intentionally fraudulent, and/or knowingly and recklessly indifferent toward and in disregard of the rights of others and the consequences thereof.

49. As a result, Plaintiff is entitled to recover punitive and exemplary damages from and against Defendants, in an amount a fact-finder deems reasonable, to deter Defendants from such wrongful conduct in the future.

### **THIRD CAUSE OF ACTION**

#### **(Injurious Falsehood)**

50. Plaintiff incorporates by reference and realleges each of the foregoing allegations as if fully set forth herein.

51. Defendants have made statements through email to Amazon and, upon information and belief, other third parties, that Plaintiff has engaged in patent infringement, trademark infringement, and the sale of counterfeit goods.

52. These statements are false.

53. Defendants made these statements knowing they were false, or with at least a reckless disregard as to the truth of these statements.

54. Defendants made these statements with the intent to injure Plaintiff or impeach its honesty, integrity, and reputation.

55. Defendants made these statements without any privilege or legal justification.

56. Plaintiff has been harmed as a result of these statements, including but not limited to harm to its business reputation and reduction or total loss of business with customers and clients. Plaintiff is therefore entitled to recover damages in an amount to be proven at trial.

57. Furthermore, upon information and belief, Defendants' disparagement of Plaintiff was willful, malicious, intentionally fraudulent, and/or knowingly and recklessly indifferent toward and in disregard of the rights of others and the consequences thereof.

58. As a result, Plaintiff is entitled to recover punitive and exemplary damages from and against Defendants, in an amount a fact-finder deems reasonable, to deter Defendants from such wrongful conduct in the future.

#### **FOURTH CAUSE OF ACTION**

##### **(Injunctive Relief)**

59. Plaintiff incorporates by reference and realleges each of the foregoing allegations as if fully set forth herein.

60. Defendants' defamation and disparagement of Plaintiff, through false claims of patent infringement, trademark infringement, and that Plaintiff is selling counterfeit goods, will cause and has caused Plaintiff irreparable harm through damage to Plaintiff's reputation and integrity.

61. Plaintiff is entitled to have Defendants temporarily, preliminarily and permanently enjoined from sending false claims to Amazon against Plaintiff, for, among other things, patent infringement, trademark infringement, or sale of counterfeit goods.

62. Plaintiff is further entitled to have Defendants retract from Amazon all false complaints regarding Plaintiff, including those related to false claims of patent infringement, trademark infringement, and the sale of counterfeit goods.

#### **FIFTH CAUSE OF ACTION**

##### **(Declaratory Relief)**

63. Plaintiff incorporates by reference and realleges each of the foregoing allegations as if fully set forth herein.

64. Plaintiff is in the business of, among other things, online resales. In particular, Plaintiff purchases product, including Aquamira product, from authorized Aquamira distributors and wholesalers in the United States and in turn sells those products, as is, on Amazon. Plaintiff does not alter, amend, or modify the Aquamira products or their packaging in any way.

65. An actual, real and substantial controversy exists between Plaintiff and Defendants regarding allegations that Plaintiff is selling counterfeit Aquamira product that infringe Aquamira's trademarks and/or patents.

66. Plaintiff is entitled to a declaration from this Court that: (1) Plaintiff is purchasing Aquamira product for resale from authorized United States Aquamira distributors and wholesalers; (2) Plaintiff is not altering, amending, or modifying in any way Defendants' Aquamira product or its packaging; (3) and, as a result, Plaintiff is selling genuine Aquamira product that does not differ materially from the Aquamira product sold directly from Aquamira and does not infringe Aquamira's trademarks or patents.

#### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests relief against the Defendants as follows:

- a. For a temporary, preliminary and permanent injunction enjoining Defendants, and anyone acting on their behalf or at their direction, from disparaging and/or defaming Plaintiff in the marketplace;
- b. For a temporary, preliminary and permanent injunction enjoining Defendants, and anyone acting on their behalf or at their direction, from sending false claims to Amazon against Plaintiff, for, among other things, patent infringement, trademark infringement, or sale of counterfeit goods;

c. For an order requiring Defendants to retract from Amazon all false complaints regarding Plaintiff, including those related to false claims of patent infringement, trademark infringement, and the sale of counterfeit goods;

d. For an order declaration that: (1) Plaintiff is purchasing Aquamira product for resale from authorized United States Aquamira distributors and wholesalers; (2) Plaintiff is not altering, amending, or modifying in any way Defendants' Aquamira product or its packaging; (3) and as a result, Plaintiff is selling genuine Aquamira product that does not differ materially from the Aquamira product sold directly from Aquamira and does not infringe Aquamira's trademarks or patents

e. For a money judgment for Plaintiff's actual, statutory, and punitive damages in an amount to be proven by competent evidence but no less than \$50,000, plus interest at the maximum legal rate;

f. For a money judgment for Plaintiff's attorneys' fees and costs incurred herein; and,

g. For such other and further relief as the Court and jury deems just and equitable in the premises.

### **JURY DEMAND**

Pursuant to Utah Rule of Civil Procedure 38, Plaintiff demands trial by jury on all issues in this case determinable by a jury.

DATED this 21<sup>st</sup> day of February, 2019.

JONES, WALDO, HOLBROOK & McDONOUGH, P.C.

By: /s/ Timothy B. Smith

Nathan D. Thomas

Timothy B. Smith

Elizabeth Butler

*Attorneys for Plaintiff*

Plaintiff's Address:

LG-Outdoors

34 Firetower Road

Wetumpka, Alabama 36093

**VERIFICATION**

I, Gordon Marsh, declare, under criminal penalty of the State of Utah, pursuant to Utah Code Ann. §78B-5-705, that I am the Manager of Plaintiff LG-Outdoors, LLC, an Alabama limited liability company, and that the General Allegations of the foregoing Complaint are true and correct to the best of my knowledge, information, and belief.

Dated this 21 day of February, 2019.

LG-OUTDOORS, LLC

BY: Gordon Marsh  
Gordon Marsh  
Its: Manager / CEO

## AFFIDAVIT OF SERVICE

<b>Case:</b> 190100058	<b>Court:</b> First Judicial District Court	<b>County:</b> Cache County, UT	<b>Job:</b> 3110714 (30541.0001)
<b>Plaintiff / Petitioner:</b> L.G. ENTERPRISES, LLC d/b/a LG-Outdoors, Wholesale Hunter, and Omega Outfitters		<b>Defendant / Respondent:</b> BOB GEIGER; AQUAMIRA TECHNOLOGIES, INC.; WILLIAM TYLER METCALF, LLC; CHANNEL OP, LLC AND DOES 1-10	
<b>To be served upon:</b> Aquamira Technologies, LLC % Dennis B. Brown, Registered Agent			

I declare that I am eighteen years of age or older and have no interest in the above legal matter. I attest that I am certified, appointed by sheriff or motion and order and that I am legally authorized to serve court documents within the above named circuit / county. I have not included any non-public information from this document. I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

**Recipient Name / Address:** Gary Cruikshank, 917 W 600 N, Suite 105, Logan, UT 84321  
**Manner of Service:** Corporation, Feb 28, 2019, 12:40 pm MST  
**Documents:** Summons; Verified Complaint and Demand for Trial by Jury; Verification

**Additional Comments:**

1) Successful Attempt: Feb 28, 2019, 12:40 pm MST at 917 W 600 N, Suite 105, Logan, UT 84321 received by Gary Cruikshank. Age: 50; Ethnicity: Caucasian; Gender: Male; Weight: 170; Height: 5'7"; Hair: Black; Other: authorized.;

  
 Dwight Einzinger  
 A103081

02/28/19

Date

ICU Investigations, LLC  
 250 N Red Cliffs Drive, #4B-275  
 Saint George, UT 84790  
 435-986-1200



Nathan D. Thomas (USB#11965)  
Timothy B. Smith (USB# 8271)  
Elizabeth Butler (USB#13658)  
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[tsmith@joneswaldo.com](mailto:tsmith@joneswaldo.com)  
[ebutler@joneswaldo.com](mailto:ebutler@joneswaldo.com)

*Attorneys for Plaintiff*

**IN THE FIRST JUDICIAL DISTRICT COURT**

**IN AND FOR CACHE COUNTY, STATE OF UTAH**

L.G. ENTERPRISES, LLC d/b/a LG-  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

vs.

BOB GEIGER, individually and as an agent  
of Aquamira Technologies, Inc.;  
AQUAMIRA TECHNOLOGIES, INC.;  
WILLIAM TYLER METCALF, individually  
and as an agent of Channel Op., LLC;  
CHANNEL OP. LLC, and DOES 1-10,

Defendants.

**SUMMONS**

**(TIER II)**

Case No. 190100058

Judge Brian Cannell

To: Bob Geiger  
Aquamira Technologies, LLC  
917 West 600 North, Suite 105  
Logan, Utah 84321

You are hereby summoned and required to file, with the Clerk of the above entitled Court at 135 North 100 West, Logan, Utah 84321, an answer in writing to the attached *Complaint* which has been filed in the above entitled case, and to serve upon, or mail to Plaintiff's attorney, a copy of said answer within twenty-one (21) days after service of this Summons upon you.

If you fail so to do, judgment by default will be taken against you for the relief demanded in said *Complaint*, which has been filed with the Clerk of said Court and a copy of which is annexed hereto and herewith served upon you.

DATED this 26<sup>th</sup> day of February, 2019.

JONES, WALDO, HOLBROOK & McDONOUGH, P.C.

By: /s/ Timothy B. Smith

Nathan D. Thomas  
Timothy B. Smith  
Elizabeth Butler  
*Attorneys for Plaintiff*

Thomas J. Rossa 02806  
Hayes Soloway, PC  
2150 South 1300 East  
Salt Lake City, Utah 84106  
P 801 326 1982  
C 801 556 7197  
[thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

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L.G. ENTERPRISES, LLC d/b/a LG-	)	
Outdoors, Wholesale Hunter, and Omega	)	
Outfitters,	)	
	)	<b>NOTICE OF APPEARANCE</b>
Plaintiff;	)	
	)	
v.	)	Civil Number: 190100058
	)	
BOB GEIGER, individually and as an	)	
agent of Aquamira Technologies.;	)	Judge: Brian Cannell
AQUAMIRA TECHNOLOGIES, INC.;	)	
WILLIAM TYLER METCALF,	)	
individually and as an agent of Channel	)	
Op., LLC; CHANNEL OP. LLC, and	)	
DOES 1-10,	)	
Defendants.	)	

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The undersigned attorney hereby enters his appearance for and on behalf of  
Aquamira Technologies, Inc., (hereinafter "Aquamira"), as counsel of record in the above  
entitled action. My name and address are as follows:

THOMAS J. ROSSA 02806  
HAYES SOLOWAY, PC  
2150 South 1300 East  
Salt Lake City, Utah 84106  
P 801 326 1982  
C 801 556 7197  
F 801 990 4601  
[thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)

DATED this 18<sup>th</sup> day of March, 2019.

/s/ Thomas J. Rossa  
THOMAS J. ROSSA  
HAYES SOLOWAY, PC.

MAILING CERTIFICATE

I hereby certify that on the 18<sup>th</sup> day of March, 2019, I caused a true and correct copy of the foregoing NOTICE OF APPEARANCE to be served on each of the following parties by means as indicated:

Nathan D. Thomas (USB#11965) Timothy B. Smith (USB#8271) Elizabeth Butler (USB#13658) JONES, WALDO, HOLBROOK & McDONOUGH, P.C. 170 South Main Street, Suite 1500 Salt Lake City, UT 84101	Electronically and via First Class Mail, Postage Prepaid
Channel Op, LLC c/o William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
CLERK OF THE COURT First District Court, Cache County 135 North 100 West Logan, UT 84321	Electronically

/s/ Kim Good

Thomas J. Rossa 02806  
Hayes Soloway PC  
2150 South 1300 East  
Salt Lake City, Utah 84106  
P 801 326 1982  
C 801 556 7197  
[thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

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L.G. ENTERPRISES, LLC d/b/a LG-	)	
Outdoors, Wholesale Hunter, and Omega	)	
Outfitters,	)	
	)	<b>CONSENTED-TO MOTION FOR</b>
Plaintiff,	)	<b>EXTENSION OF TIME TO</b>
	)	<b>FILE ANSWER</b>
v.	)	
	)	Civil Number: 190100058
BOB GEIGER, individually and as an	)	
agent of Aquamira Technologies.;	)	
AQUAMIRA TECHNOLOGIES, INC.;	)	Judge: Brian Cannell
WILLIAM TYLER METCALF,	)	
individually and as an agent of Channel	)	
Op, LLC; CHANNEL OP, LLC, and	)	
DOES 1-10,	)	
Defendants.	)	

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Defendant Aquamira Technologies, Inc. (hereinafter "Aquamira") hereby moves for entry of an Order extending by seven (7) days, to March 28, 2019, the time within which Aquamira may move or plead to the Complaint filed by Plaintiff L.G. Enterprises, LLC (hereinafter "LG"). The reason for this motion is to enable Aquamira to determine whether it will, or will not, be provided a defense in connection with this matter by a third party, and in either event after such determination has been made, to enable counsel for Aquamira to conduct a full factual investigation requisite to the defense or negotiated resolution of this cause.

This motion is not interposed for the purpose of delay, and granting it is believed by all parties to subserve the interests of reaching a prompt and just resolution of the dispute, be it on the merits or through amicable resolution. Plaintiff's counsel has consented in writing to this extension, a copy of which is attached hereto as Exhibit A.

A proposed form of Order granting this extension is tendered herewith for the Court's convenience.

DATED this 22nd day of March, 2019.

/s/ Thomas J. Rossa  
THOMAS J. ROSSA  
HAYES SOLOWAY PC.

#### MAILING CERTIFICATE

I hereby certify that on the 22nd day of March, 2019, I caused a true and correct copy of the foregoing CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER to be served on each of the following parties by means as indicated:

Nathan D. Thomas (USB#11965) Timothy B. Smith (USB#8271) Elizabeth Butler (USB#13658) JONES, WALDO, HOLBROOK & McDONOUGH, P.C. 170 South Main Street, Suite 1500 Salt Lake City, UT 84101	Electronically and via First Class Mail, Postage Prepaid
Channel Op, LLC c/o William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
CLERK OF THE COURT First District Court, Cache County 135 North 100 West Logan, UT 84321	Electronically

/s/ Traci Lopez\_\_\_\_\_

# **EXHIBIT A**

**Traci Lopez**

---

**From:** NATHAN THOMAS [NThomas@joneswaldo.com]  
**Sent:** Friday, March 15, 2019 12:45 PM  
**To:** Gina Lauria  
**Cc:** rockville@myclaimmail.com; Liz Butler; TIMOTHY B. SMITH  
**Subject:** RE: LG Enterprises vs. Aquamira Technologies / RRMA File: BL074

**CAUTION:** This email originated from outside of RQM. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Lauria,

Thank you for your email. This will confirm the one-week extension and we will discuss a longer extension with our client. Also, please copy my colleagues Tim Smith and Liz Butler on future correspondence.

Best,  
Nathan Thomas



**NATHAN THOMAS | ATTORNEY**

170 S. Main Street, Suite 1500 Salt Lake City, UT 84101-1644  
tel+801.534.7377 fax+801.328.0537

[NThomas@joneswaldo.com](mailto:NThomas@joneswaldo.com) | [bio](#) | [joneswaldo.com](http://joneswaldo.com)

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CONFIDENTIALITY NOTICE: The content of this e-mail is confidential and proprietary and may be attorney-client privileged. If you are not the intended recipient, please destroy it and notify [NThomas@joneswaldo.com](mailto:NThomas@joneswaldo.com).

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[REDACTED] [gina.lauria@rqm.us.com](mailto:gina.lauria@rqm.us.com)

[REDACTED] [NThomas@joneswaldo.com](mailto:NThomas@joneswaldo.com)

[REDACTED] [rockville@myclaimmail.com](mailto:rockville@myclaimmail.com)

[REDACTED] half.



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**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG-	)	
Outdoors, Wholesale Hunter, and Omega	)	
Outfitters,	)	
	)	<b>[PROPOSED] ORDER GRANTING</b>
Plaintiff,	)	<b>CONSENTED-TO MOTION FOR</b>
	)	<b>EXTENSION OF TIME TO PLEAD</b>
v.	)	<b>OR OTHERWISE RESPOND TO</b>
	)	<b>PLAINTIFF'S COMPLAINT</b>
BOB GEIGER, individually and as an	)	
agent of Aquamira Technologies.;	)	Civil Number: 190100058
AQUAMIRA TECHNOLOGIES, INC.;	)	
WILLIAM TYLER METCALF,	)	
individually and as an agent of Channel	)	Judge: Brian Cannell
Op, LLC; CHANNEL OP, LLC, and	)	
DOES 1-10,	)	
Defendants.	)	

---

Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc.  
filed on March 22, 2019 and good cause appearing therefore,

IT IS ORDERED:

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to  
Plaintiff's "Verified Complaint and Demand for Trial by Jury" by no later than March 28,  
2019.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019 \_\_\_\_\_

Hon. Brian Cannell  
Judge of the First Judicial District Court

<u><b>X</b></u>	Notice of Appearance
<u><b>X</b></u>	Consented-To Motion For Extension Of Time To File Answer
<u><b>X</b></u>	[Proposed] Order Granting Consented-To Motion For Extension Of Time To Plead Or Otherwise Respond To Plaintiff's Complaint

DATED this 25th day of March, 2019.

/s/ Thomas J. Rossa  
THOMAS J. ROSSA  
HAYES SOLOWAY, PC.

MAILING CERTIFICATE

I hereby certify that on the 25<sup>th</sup> day of March, 2019, I caused a true and correct copy of the foregoing CERTIFICATE OF SERVICE to be served on each of the following parties by means as indicated:

Nathan D. Thomas (USB#11965) Timothy B. Smith (USB#8271) Elizabeth Butler (USB#13658) JONES, WALDO, HOLBROOK & McDONOUGH, P.C. 170 South Main Street, Suite 1500 Salt Lake City, UT 84101	Electronically and via First Class Mail, Postage Prepaid
Bob Geiger 297 S 100 W Providence, UT 84332	First Class Mail, Postage Prepaid
Channel Op, LLC c/o William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
CLERK OF THE COURT First District Court, Cache County 135 North 100 West Logan, UT 84321	Electronically

/s/ Traci Lopez

Nathan D. Thomas (USB#11965)  
Timothy B. Smith (USB# 8271)  
Elizabeth Butler (USB#13658)  
JONES, WALDO, HOLBROOK & McDONOUGH, P.C.  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200  
[nthomas@joneswaldo.com](mailto:nthomas@joneswaldo.com)  
[tsmith@joneswaldo.com](mailto:tsmith@joneswaldo.com)  
[ebutler@joneswaldo.com](mailto:ebutler@joneswaldo.com)

*Attorneys for Plaintiff*

---

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG-Outdoors,  
Wholesale Hunter, and Omega Outfitters,

Plaintiff,

vs.

BOB GEIGER, individually and as an agent of  
Aquamira Technologies, Inc.; AQUAMIRA  
TECHNOLOGIES, INC.; WILLIAM TYLER  
METCALF, individually and as an agent of  
Channel Op., LLC; CHANNEL OP. LLC, and  
DOES 1-10,

Defendants.

**ACCEPTANCE OF SERVICE**

Case No. 190100058

Judge Brian Cannell

The undersigned hereby acknowledges receipt of the Summons and Complaint in this matter and accepts service of the Summons and Complaint on behalf of Defendants William Tyler Metcalf and Channel Op., LLC.

This Acceptance of Service shall constitute complete and sufficient service of process as if the Summons and Complaint had been formally served upon Defendants William Tyler

Metcalf and Channel Op., LLC pursuant to Rule 4 of the Utah Rules of Civil Procedure on the date indicated below. By accepting service, Defendants do not waive any defenses to the Complaint other than defenses concerning the sufficiency of service of process.

DATED this 27<sup>th</sup> day of March 2019.

/s/ Joelle S. Kesler (with permission)

Joelle S. Kesler

*Attorneys for Defendants William Tyler Metcalf and  
Channel Op., LLC*

**Joelle S. Kesler (11213)**  
**DART ADAMSON & DONOVAN**  
257 East 200 South, Suite 1050  
Salt Lake City, Utah 84111  
Telephone: (801) 521-6383  
[jkesler@dadlaw.net](mailto:jkesler@dadlaw.net)

**Attorneys for Defendants William Tyler Metcalf  
and Channel Op, LLC**

---

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG-  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

v.

BOB GEIGER, individually and as agent  
of Aquamira Technologies, Inc.;  
AQUAMIRA TECHNOLOGIES, INC.;  
WILLIAM TYLER METCALF,  
individually and as an agent of Channel  
Op, LLC; CHANNEL OP, LLC; and  
DOES 1-10,

Defendants.

**NOTICE OF APPEARANCE**

Case No. 190100058

Judge Brian Cannell

Please take notice that Joelle S. Kesler of the law firm Dart Adamson & Donovan hereby enters her appearance as counsel on behalf of Defendants William Tyler Metcalf and Channel Op, LLC in the above captioned case.

**DATED** this 27<sup>th</sup> day of March, 2019.

**DART ADAMSON & DONOVAN**

/s/ Joelle S. Kesler  
Joelle S. Kesler  
Attorneys for William Tyler Metcalf and  
Channel Op, LLC

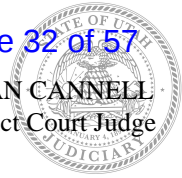
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served on March 27, 2019, by electronic transmission via the Court's notification system on the following:

Nathan D. Thomas  
Timothy B. Smith  
Elizabeth Butler  
JONES WALDO HOLBROOK & McDONOUGH, P.C.  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200  
Facsimile: (801) 328-0537  
[nthomas@joneswaldo.com](mailto:nthomas@joneswaldo.com)  
[tsmith@joneswaldo.com](mailto:tsmith@joneswaldo.com)  
[ebutler@joneswaldo.com](mailto:ebutler@joneswaldo.com)

/s/ Robyn L. Van Shaar

The Order of the Court is stated below:

Dated: March 27, 2019  
02:07:45 PM/s/ BRIAN CANNELL  
District Court Judge

Thomas J. Rossa 02806  
 Hayes Soloway PC  
 2150 South 1300 East  
 Salt Lake City, Utah 84106  
 P 801 326 1982  
 C 801 556 7197  
[thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)

**IN THE FIRST JUDICIAL DISTRICT COURT  
 IN AND FOR CACHE COUNTY, STATE OF UTAH**

L.G. ENTERPRISES, LLC d/b/a	)	
LG-Outdoors, Wholesale Hunter, and	)	
Omega Outfitters,	)	
Plaintiff,	)	<b>ORDER GRANTING</b>
v.	)	<b>CONSENTED-TO MOTION FOR</b>
	)	<b>EXTENSION OF TIME TO PLEAD</b>
	)	<b>OR OTHERWISE RESPOND TO</b>
	)	<b>PLAINTIFF'S COMPLAINT</b>
BOB GEIGER, individually and as an	)	
agent of Aquamira Technologies.;	)	Civil Number: 190100058
AQUAMIRA TECHNOLOGIES, INC.;	)	
WILLIAM TYLER METCALF,	)	
individually and as an agent of Channel	)	Judge: Brian Cannell
Op, LLC; CHANNEL OP, LLC, and	)	
DOES 1-10,	)	
Defendants.	)	

Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc.  
 filed on March 22, 2019 and good cause appearing therefore,

IT IS ORDERED:

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to  
 Plaintiff's "Verified Complaint and Demand for Trial by Jury" by no later than March 28,  
 2019.



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Hon. Brian Cannell  
Judge of the First Judicial District Court

Andrew B. Kleiner  
Arizona Bar No. 034479  
akleiner@wshblaw.com  
**WOOD, SMITH, HENNING & BERMAN LLP**  
2525 E. Camelback Road, Suite 450  
Phoenix, Arizona 85016-4210  
Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
Utah Bar No. 13087  
aaronwowens@gmail.com  
**HENDRICKS & OWENS**  
3610 North University Avenue, Suite 275  
Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

v.

BOB GEIGER, individually and as an agent of  
Aquamira Technologies, Inc.; AQUAMIRA  
TECHNOLOGIES, INC., WILLIAM TYLER  
METCALF, individually and as an agent of  
Channel Op., LLC; CHANNEL OP. LLC, and  
DOES 1-10,

Defendants.

Case No. 190100058

**[PROPOSED] ORDER GRANTING  
CONSENTED-TO MOTION FOR  
EXTENSION OF TIME TO PLEAD OR  
OTHERWISE RESPOND TO  
PLAINTIFF'S COMPLAINT**

[Assigned to The Honorable  
Brian Cannell]

Trial Date: None Set

Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc. filed on  
March 28<sup>th</sup>, 2019 and good cause appearing therefore,

**IT IS ORDERED:**

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to Plaintiff's

“Verified Complaint and Demand for Trial by Jury” by no later than April 17, 2019.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Hon. Brian Cannell  
Judge of the First Judicial District Court

PROPOSED

Andrew B. Kleiner  
Utah Bar No. 15405  
akleiner@wshblaw.com  
**WOOD, SMITH, HENNING & BERMAN LLP**  
2525 E. Camelback Road, Suite 450  
Phoenix, Arizona 85016-4210  
Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
Utah Bar No. 13087  
aaronwowens@gmail.com  
**HENDRICKS & OWENS**  
3610 North University Avenue, Suite 275  
Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

v.

BOB GEIGER, individually and as an agent of  
Aquamira Technologies, Inc.; AQUAMIRA  
TECHNOLOGIES, INC., WILLIAM TYLER  
METCALF, individually and as an agent of  
Channel Op., LLC; CHANNEL OP. LLC, and  
DOES 1-10,

Defendants.

Case No. 190100058

**CONSENTED-TO MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER**

[Assigned to The Honorable  
Brian Cannell]

Trial Date:                      None Set

Defendant Aquamira Technologies, Inc. (hereinafter “Aquamira”) hereby move for an Order extending to April 17, 2019, the time within which Aquamira may move or plead to the Complaint filed by Plaintiff L.G. Enterprises, LLC (hereinafter “LG”). The reason for this motion is to enable newly-appointed counsel for Aquamira to conduct a full factual investigation requisite to the defense or negotiated resolution of this cause.

This motion is not interposed for the purpose of delay, and granting it is believed by all parties to subserve the interests of reaching a prompt and just resolution of the dispute, be it on the merits or through amicable resolution. Plaintiff's counsel has consented in writing to this extension, a copy of which is attached hereto as Exhibit A.

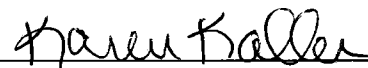
DATED this 28<sup>th</sup> day of March, 2019.

/s/ Andrew B. Kleiner  
 ANDREW B. KLEINER  
 WOOD SMITH HENNING BERMAN, LLP

### MAILING CERTIFICATE

I hereby certify that on the 28th day of March, 2019, I caused a true and correct copy of the foregoing CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER to be served on each of the following parties by means as indicated:

Nathan D. Thomas (USB#11965) Timothy B. Smith (USB#8271) Elizabeth Butler (USB#13658) JONES, WALDO, HOLBROOK & McDONOUGH, P.C. 170 South Main Street, Suite 1500 Salt Lake City, UT 84101	Electronically and via First Class Mail, Postage Prepaid
Bob Geiger 297 S 100 W Providence, UT 84332	First Class Mail, Postage Prepaid
Channel Op, LLC c/o William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
CLERK OF THE COURT First District Court, Cache County 135 North 100 West Logan, UT 84321	Electronically

  
 Karen A. Kaller

**EXHIBIT A**

**EXHIBIT A**

**Karen A. Kaller**

---

**From:** Andrew B. Kleiner  
**Sent:** Thursday, March 28, 2019 4:31 PM  
**To:** Karen A. Kaller  
**Subject:** Fwd: L.G. Enterprises v. Aquamira, Case No 190100058  
**Attachments:** image001.gif; ATT00001.htm; Stipulated Motion for Extension of Time to File Answer 03 27 19.docx; ATT00002.htm; Proposed Order 03.27.19.docx; ATT00003.htm

**Andrew B. Kleiner**

Senior Counsel | Wood, Smith, Henning & Berman LLP  
2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
AKleiner@wshblaw.com | T (602) 441-1319 | M (619) 964-6986

**CALIFORNIA • NEVADA • ARIZONA • COLORADO • WASHINGTON • OREGON • NEW  
JERSEY • CONNECTICUT • PENNSYLVANIA • GEORGIA • ILLINOIS • NEW YORK • FLORIDA • TEXAS**

CONFIDENTIALITY NOTICE: This message may contain information that is attorney-client privileged, attorney work product or otherwise confidential. If you are not an intended recipient, use and disclosure of this message are prohibited. If you receive this transmission in error, please notify the sender by reply email and delete this message and any attachments.

Begin forwarded message:

**From:** Stephen Mosier <SMosier@hayes-soloway.com>  
**Date:** March 27, 2019 at 3:46:02 PM MST  
**To:** "Andrew B. Kleiner" <AKleiner@wshblaw.com>, "Craig M. Derrig" <CDerrig@wshblaw.com>  
**Cc:** Thom Rossa <TRossa@hayes-soloway.com>, Kim Good <KGood@hayes-soloway.com>, Traci Lopez <TLopez@hayes-soloway.com>  
**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Dear Andy:

Per your request, attached above please find the draft Motion and proposed Order we prepared in this matter. The email Plaintiff's counsel sent today (or an excerpt thereof) or other written confirmation of the April 17<sup>th</sup> stipulated extension date is required to be attached, as the referenced Exhibit. These two documents as we prepared them were originally intended for Thom Rossa's signature in his name--- we would be happy to file in his name if so requested, but the documents are in word format and are easily modified, so if your office files instead (as we recommend), then of course the filing should be under your name, rather than Thom's. Please let us know if you required anything further from us in connection with the extension.

Respectfully,  
Steve Mosier

---

**From:** Andrew B. Kleiner [mailto:AKleiner@wshblaw.com]  
**Sent:** Wednesday, March 27, 2019 3:19 PM  
**To:** Stephen Mosier; Craig M. Derrig  
**Cc:** Thom Rossa; Kim Good; Traci Lopez  
**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Absolutely, please send that over and we will file. Thank you.

**Andrew B. Kleiner**

Senior Counsel | Wood, Smith, Henning & Berman LLP

2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
[AKleiner@wshblaw.com](mailto:AKleiner@wshblaw.com) | T (602) 441-1319 | M (619) 964-6986

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CONNECTICUT • PENNSYLVANIA • GEORGIA • ILLINOIS • NORTH CAROLINA • NEW YORK • FLORIDA  
• TEXAS

---

**From:** Stephen Mosier [<mailto:SMosier@hayes-soloway.com>]  
**Sent:** Wednesday, March 27, 2019 3:16 PM  
**To:** Andrew B. Kleiner; Craig M. Derrig  
**Cc:** Thom Rossa; Kim Good; Traci Lopez  
**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Andy:

Thom and I have discussed this, and long story short, we recommend filing a formal (consented to or stipulated) motion along with a proposed Order, per local rule, because technically, the parties cannot by stipulation alone modify a pleading deadline set by Order of the Court. If you wish, I could modify (to April 17) the stipulation Motion and Order we previously prepared and submitted to Plaintiff for the second extension, and send those to you today in word format, for your office's processing and filing, if you wish. Please advise.

Respectfully,  
Steve Mosier

---

**From:** Andrew B. Kleiner [<mailto:AKleiner@wshblaw.com>]  
**Sent:** Wednesday, March 27, 2019 3:03 PM  
**To:** Stephen Mosier; Craig M. Derrig  
**Cc:** Thom Rossa; Kim Good; Traci Lopez  
**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Good timing, I just got off the phone with Tim and he told me the same. Is the stipulation just that or is it a formal motion like you filed previously?

**Andrew B. Kleiner**

Senior Counsel | Wood, Smith, Henning & Berman LLP  
2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
[AKleiner@wshblaw.com](mailto:AKleiner@wshblaw.com) | T (602) 441-1319 | M (619) 964-6986

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CONNECTICUT • PENNSYLVANIA • GEORGIA • ILLINOIS • NORTH CAROLINA • NEW YORK • FLORIDA  
• TEXAS

---

**From:** Stephen Mosier [<mailto:SMosier@hayes-soloway.com>]  
**Sent:** Wednesday, March 27, 2019 2:57 PM  
**To:** Andrew B. Kleiner; Craig M. Derrig  
**Cc:** Thom Rossa; Kim Good; Traci Lopez  
**Subject:** FW: L.G. Enterprises v. Aquamira, Case No 190100058  
**Importance:** High

Please see the email below.  
Steve Mosier

---

**From:** TIMOTHY B. SMITH [<mailto:TSmith@joneswaldo.com>]  
**Sent:** Wednesday, March 27, 2019 1:31 PM



**To:** Stephen Mosier

**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

We just filed the acceptance of service and Channel Ops and Metcalf have 21 days from today to answer. We'll agree to Aquamira having 21 days from today to answer if you want to prepare a stipulation.

**From:** Stephen Mosier <[SMosier@hayes-soloway.com](mailto:SMosier@hayes-soloway.com)>

**Sent:** Monday, March 25, 2019 4:11 PM

**To:** TIMOTHY B. SMITH <[TSmith@joneswaldo.com](mailto:TSmith@joneswaldo.com)>

**Cc:** NATHAN THOMAS <[NThomas@joneswaldo.com](mailto:NThomas@joneswaldo.com)>; Liz Butler <[lbutler@joneswaldo.com](mailto:lbutler@joneswaldo.com)>; Thom Rossa <[TRossa@hayes-soloway.com](mailto:TRossa@hayes-soloway.com)>; Kim Good <[KGood@hayes-soloway.com](mailto:KGood@hayes-soloway.com)>

**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Tim:

My office has had no communications with Mr. Geiger whatsoever, and I do not believe Aquamira has, either, at least since a date well prior to the filing of this suit. We have simply served Mr. Geiger today with copies of the documents we already had served on other parties, and we used what we understand to be Mr. Geiger's last known address, because it is our understanding that that is (or will soon be) required of us, at such time as he ultimately receives service of the Summons and Complaint. In any event, Mr. Rossa and this office are without authority to accept service of process on Mr. Geiger's behalf, as we do not represent him.

Mr. Rossa is expected back in the office on Wednesday, so coordinating directly with Mr. Rossa on Wednesday as to a uniform service date for the Defendants to move or plead, and possibly also on terms for an amicable resolution of the dispute, would be sincerely appreciated. Please keep us apprised as to the service of process dates on the other Defendants, any extensions agreed to as to them, and of any resulting extension available to our client Aquamira. Thank you.

Respectfully,

Steve Mosier

---

**From:** TIMOTHY B. SMITH [<mailto:TSmith@joneswaldo.com>]

**Sent:** Monday, March 25, 2019 2:17 PM

**To:** Stephen Mosier

**Cc:** NATHAN THOMAS; Liz Butler; Thom Rossa; Kim Good

**Subject:** RE: L.G. Enterprises v. Aquamira, Case No 190100058

Steve

Counsel for Metcalf and Channel op just agreed to accept service. Once I get the acceptance back how about if we have Aquamira's deadline the same as the Channel Ops folks? If I don't have the acceptance back by Wednesday let's have a call. It also appears that you've had contact with Mr. Geiger. Would you accept service on his behalf? You asked whether there was a possibility of an early resolution. Are you still interested in having that discussion?

Tim

Andrew B. Kleiner  
 Arizona Bar No. 034479  
 akleiner@wshblaw.com  
**Wood, Smith, Henning & Berman LLP**  
 2525 E. Camelback Road, Suite 450  
 Phoenix, Arizona 85016-4210  
 Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
 Utah Bar No. 13087  
 aaronwowens@gmail.com  
**HENDRICKS & OWENS**  
 3610 North University Avenue, Suite 275  
 Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
 IN AND FOR CACHE COUNTY, STATE OF UTAH**

<p>L.G. ENTERPRISES, LLC d/b/a LG                  Outdoors, Wholesale Hunter, and Omega                  Outfitters,                    Plaintiff,                    v.                    BOB GEIGER, individually and as an agent of                  Aquamira Technologies, Inc.; AQUAMIRA                  TECHNOLOGIES, INC., WILLIAM TYLER                  METCALF, individually and as an agent of                  Channel Op., LLC; CHANNEL OP. LLC, and                  DOES 1-10,                    Defendants.</p>	<p>Case No. 190100058</p> <p><b><del>[PROPOSED]</del> ORDER GRANTING                  CONSENTED-TO MOTION FOR                  EXTENSION OF TIME TO PLEAD OR                  OTHERWISE RESPOND TO                  PLAINTIFF'S COMPLAINT</b></p> <p>[Assigned to The Honorable                  Brian Cannell]</p> <p>Trial Date:                      None Set</p>
---	--

Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc. filed on  
 March 28<sup>th</sup>, 2019 and good cause appearing therefore,

IT IS ORDERED:

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to Plaintiff's

"Verified Complaint and Demand for Trial by Jury" by no later than April 17, 2019.

Dated this \_\_\_\_ day of \_\_\_\_, 2019

\_\_\_\_\_  
Hon. Brian Cannell  
Judge of the First Judicial District Court

Andrew B. Kleiner  
Arizona Bar No. 034479  
akleiner@wshblaw.com  
**WOOD, SMITH, HENNING & BERMAN LLP**  
2525 E. Camelback Road, Suite 450  
Phoenix, Arizona 85016-4210  
Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
Utah Bar No. 13087  
aaronwowens@gmail.com  
**HENDRICKS & OWENS**  
3610 North University Avenue, Suite 275  
Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

v.

BOB GEIGER, individually and as an agent of  
Aquamira Technologies, Inc.; AQUAMIRA  
TECHNOLOGIES, INC., WILLIAM TYLER  
METCALF, individually and as an agent of  
Channel Op., LLC; CHANNEL OP. LLC, and  
DOES 1-10,

Defendants.

Case No. 190100058

**ORDER GRANTING CONSENTED-TO  
MOTION FOR EXTENSION OF TIME  
TO PLEAD OR OTHERWISE RESPOND  
TO PLAINTIFF'S COMPLAINT**

[Assigned to The Honorable  
Brian Cannell]

Trial Date: None Set

Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc. filed on  
March 28<sup>th</sup>, 2019 and good cause appearing therefore,

IT IS ORDERED:

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to Plaintiff's  
"Verified Complaint and Demand for Trial by Jury" by no later than April 17, 2019.

**End of Order – Signature at the Top of the First Page**

PROPOSED

Andrew B. Kleiner  
Utah Bar No. 15405  
akleiner@wshblaw.com  
**WOOD, SMITH, HENNING & BERMAN LLP**  
2525 E. Camelback Road, Suite 450  
Phoenix, Arizona 85016-4210  
Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
Utah Bar No. 13087  
aaronwowens@gmail.com  
**HENDRICKS & OWENS**  
3610 North University Avenue, Suite 275  
Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH**

---

L.G. ENTERPRISES, LLC d/b/a LG  
Outdoors, Wholesale Hunter, and Omega  
Outfitters,

Plaintiff,

v.

BOB GEIGER, individually and as an agent of  
Aquamira Technologies, Inc.; AQUAMIRA  
TECHNOLOGIES, INC., WILLIAM TYLER  
METCALF, individually and as an agent of  
Channel Op., LLC; CHANNEL OP. LLC, and  
DOES 1-10,

Defendants.

Case No. 190100058

**DEFENDANT AQUAMIRA  
TECHNOLOGIES, INC.'S NOTICE OF  
SUBSTITUTION OF COUNSEL;  
DEFENDANT BOB GEIGER'S NOTICE  
OF APPEARANCE**

[Assigned to The Honorable  
Brian Cannell]

NOTICE IS HEREBY given that Defendant Aquamira Technologies, Inc. (hereinafter "Defendants") pursuant to Rule 74, Utah Rules of Civil Procedure, hereby gives notice that Andrew B. Kleiner of Wood Smith Henning & Berman LLP is hereby substituted as the attorneys of record for Aquamira Technologies, Inc. in place of Thom Rossa and Stephen

Mosier of Hayes Soloway, P.C. in the above-entitled matter. Aquamira Technologies, Inc. have been advised and have knowingly and with informed consent approved said substitution. The written approval and confirmation of Aquamira Technologies, Inc. is attached as Exhibit A.

Andrew Kleiner also hereby enters his appearance for and on behalf of Defendant Bob Geiger as counsel of record in the above entitled action. My name and address are as follows:

Andrew B. Kleiner  
Utah Bar No. 15405  
akleiner@wshblaw.com  
**WOOD, SMITH, HENNING & BERMAN LLP**  
2525 E. Camelback Road, Suite 450  
Phoenix, Arizona 85016-4210  
Phone: 602-441-1300 ♦ Fax 602-441-1350

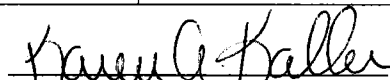
DATED this 15<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
ANDREW B. KLEINER  
WOOD SMITH HENNING BERMAN, LLP

## MAILING CERTIFICATE

I hereby certify that on the 15<sup>th</sup> day of April, 2019, I caused a true and correct copy of the foregoing NOTICE OF SUBSTITUTION OF COUNSEL to be served on each of the following parties by means as indicated:

Nathan D. Thomas (USB#11965) Timothy B. Smith (USB#8271) Elizabeth Butler (USB#13658) JONES, WALDO, HOLBROOK & McDONOUGH, P.C. 170 South Main Street, Suite 1500 Salt Lake City, UT 84101	Electronically and via First Class Mail, Postage Prepaid
Bob Geiger 297 S 100 W Providence, UT 84332	First Class Mail, Postage Prepaid
Channel Op, LLC c/o William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
William Metcalf 847 E. 530 N Heber City, UT 84032	First Class Mail, Postage Prepaid
CLERK OF THE COURT First District Court, Cache County 135 North 100 West Logan, UT 84321	Electronically

  
Karen A. Kaller



**EXHIBIT A**

**EXHIBIT A**

## Karen A. Kaller

---

**From:** Andrew B. Kleiner  
**Sent:** Monday, April 15, 2019 11:55 AM  
**To:** Karen A. Kaller  
**Subject:** FW: LG Enterprises v. Aquamira--- Legal Representation

## Andrew B. Kleiner

Senior Counsel | Wood, Smith, Henning & Berman LLP  
2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
[AKleiner@wshblaw.com](mailto:AKleiner@wshblaw.com) | T (602) 441-1319 | M (619) 964-6986

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PENNSYLVANIA • GEORGIA • ILLINOIS • NORTH CAROLINA • NEW YORK • FLORIDA • TEXAS

---

**From:** Stephen Mosier [<mailto:SMosier@hayes-soloway.com>]  
**Sent:** Friday, April 05, 2019 10:47 AM  
**To:** Andrew B. Kleiner  
**Cc:** Thom Rossa; Gary Cruikshank; Dennis Brown  
**Subject:** RE: LG Enterprises v. Aquamira--- Legal Representation

Dear Andy:

In the event that you wish to discuss any aspect of this case further, or that we may assist you in any way, please do not hesitate to contact us at any time. Mr. Rossa and I shall remain more than happy to be of such assistance to you as you may request, now or after our Firm's formal withdrawal as counsel of record for Aquamira Technologies, Inc.

That said, you have been designated by Aquamira's insurance carrier, Certain Underwriters of Lloyds of London, to defend the above-captioned litigation on behalf of Aquamira, and it is therefore now appropriate that Hayes Soloway P.C. and Mr. Thomas Rossa formally terminate their representation in the pending litigation by withdrawing as counsel of record. Under applicable Utah law, this requires, by our understanding, a formal motion and Order of the Court. Our mutual client, Aquamira, has consented to such withdrawal at this time. Accordingly, Mr. Rossa and I believe that it would be appropriate that your office prepare and file a Motion Approving The Withdrawal of Hayes Soloway P.C. and Thomas Rossa As Counsel Of Record, seeking entry of an Order authorizing and approving such withdrawal as counsel of record for Aquamira in connection with this litigation. We would very much appreciate it if your office would prepare and file such consented-to Motion, and we note that this suggested procedure would be advantageous to Aquamira as it would be the most efficient, economical alternative for our mutual client. Please let us know whether your office is amenable to preparing and filing the formal motion papers and Order, or whether you would prefer some other timing or process to effectuate our formal withdrawal.

Thank you for your kind attention to this matter.

Respectfully,  
Steve Mosier

---

**From:** Andrew B. Kleiner [<mailto:AKleiner@wshblaw.com>]  
**Sent:** Thursday, March 28, 2019 3:47 PM  
**To:** Thom Rossa  
**Cc:** Stephen Mosier; Traci Lopez; Kim Good; Gary Cruikshank; Dennis Brown  
**Subject:** Re: LG Enterprises v. Aquamira

Thank you for your email. We understand the deadline in the motion is being filed today. However, since our office has never filed anything in Utah previously we are going to the process of setting up the e-filing account and that is taking some time. But rest a sure did it will be filed today.

**Andrew B. Kleiner**

Senior Counsel | Wood, Smith, Henning & Berman LLP  
2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
[AKleiner@wshblaw.com](mailto:AKleiner@wshblaw.com) | T (602) 441-1319 | M (619) 964-6986

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On Mar 28, 2019, at 1:52 PM, Thom Rossa <[TRossa@hayes-soloway.com](mailto:TRossa@hayes-soloway.com)> wrote:

Mr. Kleiner

I trust you and Mr. Derrig understand that the court in the above referenced action entered an order last night extending the deadline to today for Aquamira to file an answer or otherwise respond. We also informed you that plaintiff's counsel has agreed to an extension to April 21.. and that a separate new motion and order (in our view) should be filed TODAY. WORD/editable Copies of a draft motion and order along with the e mail from plaintiff's counsel to effect such an extension were sent to Wood Smith yesterday by Mr. Mosier. We want to be clear that we do not believe we are authorized to cause such a motion and proposed order or any other p leading to be filed and trust that Wood Smith et al will attend to this chore. At the same time, we feel that we should speak up in this time of transition so that you understand this deadline is before you.

We would appreciate some acknowledgement that you have the matter in hand.

Thom Rossa  
Hayes Soloway, PC  
2150 South 1300 East Suite 500  
Salt Lake City, Utah 84106  
801 326 1982  
fax 801 990 4601  
cell 801 556 7197  
e mail [thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)  
and  
4640 E. Skyline Drive  
Tucson, Arizona 85718  
520 882 7623  
fax 520 882 7643  
cell 801 556 7197  
e mail [thom.rossa@hayes-soloway.com](mailto:thom.rossa@hayes-soloway.com)

---

**From:** Andrew B. Kleiner [<mailto:AKleiner@wshblaw.com>]  
**Sent:** Wednesday, March 27, 2019 4:09 PM  
**To:** '[dbrown@aquamira.com](mailto:dbrown@aquamira.com)'; '[garyc@aquamira.com](mailto:garyc@aquamira.com)'

**Cc:** Thom Rossa; Stephen Mosier; Craig M. Derrig; Karen A. Kaller

**Subject:** LG Enterprises v. Aquamira

Dennis and Gary,

My firm has been retained by Rockville Risk Management to represent both Aquamira and Bog Geiger in the above entitled case. Craig Derrig is a partner in my firm and he and I will be working on this file together. We have also associated a local attorney in Utah, in case the court requires a personal appearance, his name is Aaron Owens.

I would like to speak with you concerning our representation and initial strategy going forward. Please let me know when we can speak and what number I can reach you at.

**Andrew B. Kleiner**

Senior Counsel | Wood, Smith, Henning & Berman LLP  
2525 E. Camelback Road, Suite 450 | Phoenix, AZ 85016  
[AKleiner@wshblaw.com](mailto:AKleiner@wshblaw.com) | **T** (602) 441-1319 | **M** (619) 964-6986

<image001.jpg>

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• TEXAS**

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Ruth A. Shapiro, 9356  
Erika M. Larsen, 16494  
SNOW CHRISTENSEN & MARTINEAU  
10 Exchange Place, 11th Floor  
Salt Lake City, Utah 84111  
Telephone: 801-521-9000  
[ras@scmlaw.com](mailto:ras@scmlaw.com)  
[eml@scmlaw.com](mailto:eml@scmlaw.com)  
*Attorneys for William Tyler Metcalf  
and Channel Op, LLC*

IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH

<p>L.G. ENTERPRISES, LLC dba LG- OUTDOORS, WHOLESALE HUNTER, and OMEGA OUTFITTERS,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>BOB GEIGER, individually and as an agent of AQUAMIRA TECHNOLOGIES, INC., AQUAMIRA TECHNOLOGIES, INC., WILLIAM TYLER METCALF, individually and as an agent of CHANNEL OP, LLC., and DOES 1-10,</p> <p>Defendants.</p>	<p><b>SUBSTITUTION OF COUNSEL</b></p> <p>Case No. 190100058</p> <p>Judge Brian Cannell</p> <p>Tier II</p>
--	---

Ruth A. Shapiro and Erika M. Larsen, of the law firm Snow Christensen & Martineau, hereby give notice and substitute as counsel for Joelle S. Kesler of Dart Adamson & Donovan on behalf of Defendant William Tyler Metcalf and Channel Op, LLC. Further notices and copies of pleadings, papers and other material relevant to this action should be directed and served upon Ruth A. Shapiro and Erika M. Larsen.

DATED this 16th day of April, 2019.

SNOW CHRISTENSEN & MARTINEAU

/s/ Ruth A. Shapiro  
Ruth A. Shapiro  
Erika M. Larsen  
*Attorneys for William Tyler Metcalf  
and Channel Op, LLC*

**CERTIFICATE OF SERVICE**

This is to certify that on the 16<sup>th</sup> day of April, 2019, a true and correct copy of the foregoing **SUBSTITUTION OF COUNSEL** was electronically filed with the court which served the document in its entirety to:

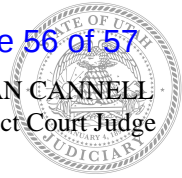
Nathan D. Thomas	( ) Via Facsimile
Timothy B. Smith	( ) Via Electronic Mail
Elizabeth Butler	( ) Via Hand Delivery
JONES WALDO HOLBROOK & MCDONOUGH	( ) Via First Class Mail, Postage Prepaid
170 South Main Street, Suite 1500	( ) Via Federal Express
Salt Lake City, UT 84101	(x) Via the Court's Electronic Filing System
801-521-3200	
<a href="mailto:nthomas@joneswaldo.com">nthomas@joneswaldo.com</a>	
<a href="mailto:tsmith@joneswaldo.com">tsmith@joneswaldo.com</a>	
<a href="mailto:cbutler@joneswaldo.com">cbutler@joneswaldo.com</a>	
<i>Attorneys for Plaintiffs</i>	
Aaron W. Owens	( ) Via Facsimile
HENDRICKS & OWENS	( ) Via Electronic Mail
3610 North University Ave., Suite 275	( ) Via Hand Delivery
Provo, UT 84604	( ) Via First Class Mail, Postage Prepaid
<a href="mailto:aaronowens@gmail.com">aaronowens@gmail.com</a>	( ) Via Federal Express
<i>Attorneys for Bob Geiger &amp; Aquamira Technologies, Inc.</i>	(x) Via the Court's Electronic Filing System

Andrew B. Kleiner  
WOOD SMITH HENNING & BERMAN, LLP  
2525 E. Camelback Road, Suite 450  
Phoenix, AZ 85016-4210  
602-441-1300  
[akleiner@wshblaw.com](mailto:akleiner@wshblaw.com)  
*Attorneys for Bob Geiger &  
Aquamira Technologies, Inc*

- ☐ ( ) Via Facsimile
- ☐ ( ) Via Electronic Mail
- ☐ ( ) Via Hand Delivery
- ☐ ( ) Via First Class Mail, Postage Prepaid
- ☐ ( ) Via Federal Express
- ☒ (x) Via the Court's Electronic Filing System

/s/Deidra Sandoval

The Order of the Court is stated below:

Dated: April 17, 2019  
09:23:55 AM/s/ BRIAN CANNELL  
District Court Judge

Andrew B. Kleiner  
 Arizona Bar No. 034479  
 akleiner@wshblaw.com  
**Wood, Smith, Henning & Berman LLP**  
 2525 E. Camelback Road, Suite 450  
 Phoenix, Arizona 85016-4210  
 Phone: 602-441-1300 ♦ Fax 602-441-1350  
*Attorneys for Bob Geiger and Aquamira Technologies, Inc.*

Aaron W. Owens  
 Utah Bar No. 13087  
 aaronwowens@gmail.com  
 HENDRICKS & OWENS  
 3610 North University Avenue, Suite 275  
 Provo, UT 84604

**IN THE FIRST JUDICIAL DISTRICT COURT  
 IN AND FOR CACHE COUNTY, STATE OF UTAH**

<p>L.G. ENTERPRISES, LLC d/b/a LG          Outdoors, Wholesale Hunter, and Omega          Outfitters,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BOB GEIGER, individually and as an agent of          Aquamira Technologies, Inc.; AQUAMIRA          TECHNOLOGIES, INC., WILLIAM TYLER          METCALF, individually and as an agent of          Channel Op., LLC; CHANNEL OP. LLC, and          DOES 1-10,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>ORDER GRANTING CONSENTED-TO          MOTION FOR EXTENSION OF TIME          TO PLEAD OR OTHERWISE RESPOND          TO PLAINTIFF'S COMPLAINT</b></p> <p style="text-align: center;">Case No. 190100058</p> <p style="text-align: center;">Judge Brian G. Cannell</p>
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Pursuant to the consented-to motion of Defendant Aquamira Technologies, Inc. filed on  
 March 28<sup>th</sup>, 2019 and good cause appearing therefor,



IT IS ORDERED:

Defendant Aquamira Technologies, Inc. shall plead or otherwise respond to Plaintiff's  
"Verified Complaint and Demand for Trial by Jury" by no later than April 17, 2019.

**End of Order – Signature at the Top of the First Page**